



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/511,654

10/18/2004

Aaron Reel Bouillet

PU020122

2289

24498

7590

12/02/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

WONG, ALLEN C

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/511,654	Applicant(s) BOUILLET ET AL.	
	Examiner Allen Wong	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 22.
 Claim(s) objected to: 20.
 Claim(s) rejected: 1-19 and 21.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Allen Wong/
 Primary Examiner, Art Unit 2621

Continuation of 11. does NOT place the application in condition for allowance because: Regarding lines 16-17 on page 7 of applicant's remarks, applicant asserts that Boyce does not disclose the generation of a second signal. The examiner respectfully disagrees. In column 13, lines 1-7, Boyce's figure 5 specifically discloses that element 507 produces the generation of the HP data stream, wherein the HP data stream includes sequence error codes, ie. second error signal, after the output of the Reed-Solomon decoder 506, ie. first error signal. The signal that goes through element 507 is processed, not just passes through, in that element 507 produces the generation for the HP data stream that includes the sequence error codes, ie. second error signal, after the output of the Reed-Solomon decoder 506, ie. the first error signal. Thus, Boyce teaches generating the second error signal after receiving the first error signal. In lines 4-5 on page 8 of applicant's remarks, applicant states that Boyce's de-interleaver "merely passes along the error signal it receives, substantially unchanged". The examiner respectfully disagrees. In column 13, lines 1-7, Boyce's figure 5 specifically discloses that element 507 produces the generation of the HP data stream, wherein the HP data stream includes sequence error codes, ie. second error signal, after the output of the Reed-Solomon decoder 506, ie. first error signal. The signal that goes through element 507 is processed, not just "merely" passing through, in that element 507 produces the generation for the HP data stream that includes the sequence error codes, ie. second error signal, after the output of the Reed-Solomon decoder 506, ie. the first error signal. Thus, the data at element 507 is processed, and Boyce teaches generating the second error signal after receiving the first error signal. Dependent claims 2-10, 12-17, 19 and 21 are rejected for at least similar reasons as stated for independent claims 1, 11 and 18 as stated above and in the rejection below. Regarding lines 14-16 on page 8 of applicant's remarks, applicant asserts that claim 6 is not disclosed. The examiner respectfully disagrees. Boyce discloses that the duration of each logical high frame of the second error signal has a duration greater than the data packet associated with the logical high frame, in that column 13, lines 1-7, fig.5, element 507 generates the HP data stream that includes sequence error codes, ie. second error signal, after the output of the Reed-Solomon decoder 506, ie. first error signal, wherein for the first and second signals, there are durations. Clearly, Boyce first and second signals must have durations, unless one can prove that a signal does not have a duration wherein the duration of the second signal is greater than the duration of the data packet associated with the logical high frame. The newly added claim 22 appears to disclose elements of claim 20, and that the combination of limitations of the new claim 22 is patentable. Claim 20 is still objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.